

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 24-CR-50-JDP

STEVEN ANDEREGG,

DEFENDANT.

GOVERNMENT'S UNOPPOSED MOTION TO STAY

The United States of America, by and through undersigned counsel, hereby moves this Court for an order staying all remaining pre-trial deadlines and trial dates in this case. In support of that request, undersigned counsel states as follows:

1. On May 15, 2024, the defendant was charged by indictment with (1) production of obscene visual depictions of minors engaged in sexually explicit conduct; (2) distribution of obscene visual depictions of minors engaged in sexually explicit conduct; (3) transferring obscene material to a minor; and (4) possession of obscene visual depictions of minors engaged in sexually explicit conduct. Dkt. 2. The trial in this case is scheduled to begin on April 7, 2025, with various pretrial hearings and deadlines scheduled in March and April 2025. Dkt. 72.

2. The defendant filed a motion to dismiss Counts 1 and 4—the production and possession counts, respectively. Dkt. 40. After receiving briefing on this and other motions, the Court granted the defendant's motion as to Count 4 and denied his motion as to Count 1. Dkt. 73 at 14-20.

3. The government has noticed its intent to appeal the Court's dismissal of Count 4 pursuant to 18 U.S.C. § 3731. Dkt. 74. As a result, and to preserve limited judicial resources and avoid the risk that this Court and the Seventh Circuit simultaneously address overlapping or related issues, this Court should stay all remaining pre-trial deadlines, conferences, and trial dates pending resolution of the appellate proceedings.

4. Pursuant to 18 U.S.C. § 3161(h)(1)(C), any period of delay resulting from an interlocutory appeal is excludable under the Speedy Trial Act. Accordingly, the government respectfully requests that any order granting this motion also include a finding that the period between the filing of this motion and the resolution of the government's interlocutory appeal is excluded for purposes of the Speedy Trial Act.

5. Undersigned counsel has conferred with defense counsel, who advised that he agrees that the district court proceedings should be stayed pending resolution of the government's interlocutory appeal.

Dated this 3rd day of March, 2025.

Respectfully submitted,

STEVEN J. GROCKI
Chief, Child Exploitation & Obscenity Section

By:

/s/ William G. Clayman
William G. Clayman
Trial Attorney